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REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 8-13, 16, 18, 21-22 and 25-26 Under 35 U.S.C. §102(e)

Claims 1, 8-13, 16, 18, 21-22 and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Curtis (US 6,442,754). Reversal of this rejection is respectfully requested for at least the following reasons. Curtis does not disclose each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Independent claims 1, 13, 25 and 26 recite similar limitations, namely: a system to facilitate installation and/or removal of components including at least one shared component, comprising a validation engine *operative to provide a valid order*, and an installer operative to control at least one of an install and removal operation of the components *based on the valid order* and operative to effect manipulation of at least one property associated with the at least one shared component to reflect dependency for the at least one shared component according to the installation or removal thereof.

Applicants' claimed invention utilizes a validation engine to establish and impose a valid ordering of components to be installed and/or removed. Once a valid ordering has been established, an installer utilizes the valid ordering provided by the validation engine to control the installation and/or removal of components. Based on the valid order, the installer manipulates at least one property associated with at least one shared component to reflect dependency for the at least one shared component according to the installation

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or removal of that component. Curtis does not disclose these exemplary features of the invention as claimed.

Curtis discloses a system, method, program, and data structure for installing a program on a computer. *See* Abstract. Curtis however, fails to disclose a validation engine operative to provide a valid order for the installation and/or removal of components as provided in the claimed invention. Instead, Curtis discloses a "check_dependency" function that determines whether a file, program or registry object indicated in a dependency list *is installed* on the computer. *See* col. 11, lines 17-20. In other words, the cited document utilizes a check_dependency function that provides a list of dependency objects that must be installed before a depending program is installed. However, Curtis does not impose a valid ordering on the list of dependency objects that is created by the check_dependency function. Thus for example, if after executing the check_dependency function provided by Curtis it is ascertained that a depending program requires a plethora of dependent objects to be installed for the installation/removal of the depending program, no order is established as to which of the multiplicity of dependent objects generated by the check_dependency function should be initially installed/removed, i.e., any one of the multitude of dependent objects presented to the user by the check_dependency function can be arbitrarily installed or removed. In contrast, the claimed invention utilizes a validation engine to provide a valid order for the installation/removal of components, e.g., the claimed invention resolves and establishes for each dependent component the order in which that particular component should be installed/removed prior to the installation of the depending program.

In the Advisory Action (dated December 14, 2004), the Examiner asserts that applicants' representative acknowledges, "the check_dependency function generates ... a list ... indicative of the dependent components that must be installed prior to installing the depending program." While applicants representative does not disagree with the characterization that Curtis discloses a check_dependency function that provides a list indicative of the dependent components that must be installed for the installation of a depending program, the point of distinction that applicants' representative is attempting to draw the Examiner's attention to is that Curtis, unlike the invention as claimed, fails to

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impose a valid ordering on the list generated by the check_dependency function as to the order in which dependent objects should be installed/removed by the installer.

In view of at least the foregoing comments, it is apparent that applicants' claimed invention as recited in the subject claims is not anticipated by Curtis, and that the rejection of independent claims 1, 13, 25 and 26 (and claims that depend therefrom) should be withdrawn.

II. Rejection of Claims 2-4, 14-15, 17, 23-24 and 29-32 Under 35 U.S.C. §103(a)

Claims 2-4, 14-15, 17, 23-24 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 13 and 26 above, respectively, in view of Taylor (US 5,721,824). This rejection should be withdrawn for at least the following reasons. Curtis and Taylor, either individually or in combination, fail to teach or suggest each and every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Independent claims 23, 24 and 31 recite similar limitations, namely: a validation component operative to provide a *valid order*, and a setup engine operative to initiate installation of each of the components *according to the valid order*. As discussed above, Curtis does not disclose a validation component capable of providing a valid order. Curtis simply provides a "check_dependency" function that determines whether files or programs are currently installed on a computer, and does not disclose the imposition of a valid ordering on the installation and/or removal of components.

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Further, as the Examiner concedes in the Final Office Action (dated September 23, 2004), Curtis fails to teach or suggest a setup engine operative to initiate installation of each of the components according to a valid order during a first part of the installation, the shared component being installed for a first dependent component during the first part of the installation, and the shared component being installed for each other dependent component during a second part of the installation separate from the first part. In recognition that Curtis is deficient in failing to teach or suggest these exemplary features of the invention as claimed, the Examiner offers Taylor.

Taylor discloses installing software packages having at least one dependent software package to also be installed on a server or standalone file space, a multiple client file space or both in a file system of the server and one or more clients. *See* col. 1, lines 11-15. Taylor utilizes an action list of dependent packages built during the installation of the dominant package, however, like Curtis, Taylor fails to impose or establish an ordering upon the installation and/or removal of components. In contrast, the invention as claimed ensures that a valid ordering of components is established prior to the setup engine initiating installation of the components according to the valid order provided by the validation component. It is thus submitted that the invention as claimed is clearly distinguishable from both Curtis and Taylor, as both fail to teach or suggest a validation component that provides a valid ordering of components that need to be installed/removed, and further because Taylor in particular fails to initiate installation of each of the components according to a valid order provided by a validation component.

In view of the foregoing comments, it is submitted that the combination of Curtis and Taylor, either individually or in combination, fails to render obvious applicants' claimed invention as recited in independent claims 23, 24 and 31 (and dependent claims 2-4, 14-15, 17, 29-30 and 32). Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 5-7, 19-20 and 27-28 Under 35 U.S.C. §103(a)

Claims 5-7, 19-20 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 18 and 26 above, respectively, in view of Kruger *et al.* (US 6,367,075). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claims 5-7, 19-20 and 27-28 depend from independent

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claims 1, 13 and 26 respectively, and Kruger *et al.* does not makeup for the aforementioned deficiencies presented by Curtis. Accordingly, reversal of this rejection and allowance of the subject claims is respectfully requested.

CONCLUSION

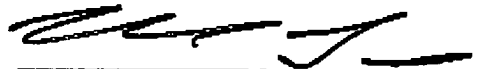
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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